

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: DELAWARE

The agency does not apply the trust provisions in any case in which the agency determines that such application would work an undue hardship.

The following criteria will be used to determine whether the agency will not count assets transferred because doing so would work an undue hardship:

Undue hardship exists when application of the transfer of assets provisions would deprive the individual of medical care such that his/her health or his/her life would be endangered. Undue hardship also exists when application of the transfer of assets provisions would deprive the individual of food, clothing, shelter or other necessities of life and there is no State facility available to take care of this individual in the absence of Medicaid eligibility.

The State Medicaid agency does a medical assessment of all individuals applying for or receiving long-term care services. It assumes that the absence of these services would cause an undue hardship if there were no State funded facility bed available.

All applicants/recipients are notified when an undue hardship exception exists.

Existence of an undue hardship waiver will be determined within ten (10) working days of the applicant's/ recipient's claim of undue hardship.

All adverse actions can be appealed through the State's fair hearing officer.

Under the agency's undue hardship provisions, the agency exempts the funds in an irrevocable burial trust.

The maximum value of the exemption for an irrevocable burial trust is \$5,000.00.

TN No. SP-355
Supersedes

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